

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PERRIN BURSE,

Plaintiff,

v.

**Civil Action 2:15-cv-2992
Judge Michael H. Watson
Magistrate Judge Jolson**

CHARLOTTE JENKINS, et al.,

Defendants.

REPORT AND RECOMMENDATION AND ORDER

This matter is before the Court on Plaintiff's Motion to Compel Discovery, requesting that this Court order Defendants to provide interrogatory responses. (Doc. 42 at 1). Defendants indicated that they would respond (Doc. 49), and the discovery deadline has since passed. Because the discovery dispute appears to have been resolved, the Motion to Compel is DENIED as MOOT. (Doc. 42).

Also before this Court is a Motion for Default Judgment for Failing to Obey a Discovery Order. (Doc. 50). In the Motion, Plaintiff relies on an Order granting Defendants an extension until August 26, 2016, to file a response to Plaintiff's motion to compel. (Doc. 47). Contrary to Plaintiff's argument, Defendants filed a timely response to Plaintiff's motion to compel on August 26, 2016. (Doc. 49). Thus, the Court RECOMMENDS that the Motion for Default Judgment for Failing to Obey a Discovery Order be DENIED. (Doc. 50).

Finally, Plaintiff filed a "Motion of Judicial Inquiry," requesting verification that the Motion for Default Judgment for Failing to Obey a Discovery Order was filed. (Doc. 51).

Specifically, Plaintiff asks this Court to verify the filing or allow him to re-file the Motion. (*Id.* at 1). Because the Motion was indeed filed, the “Motion of Judicial Inquiry” is DENIED as MOOT. (*Id.*).

Procedure on Objections to Report and Recommendation

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: October 14, 2016

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE